

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 12065 of 2004

Between:

MD. Imamulla Shareef, S/o Md. Abdulla Shareef,
D/o Retd. School Asst. Teacher, R/o ZPHS Utnoor, Mahabubnagar District.

..... PETITIONER

AND

- 1 The District Educational Officer, Mahabubnagar District.
- 2 The Chief Executive Officer, Zilla Parishad, Mahabubnagar

District.

- 3 The Director of School Education, A.P. Hyderabad.
- 4 The Secretary to Govt. Education Department, Andhra Pradesh

A.P.Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, or Certiorari calling for the records pertaining to the impugned judgment dated 15-3-2004 in O.A. No.9294/1998 on the file of the Hon' ble A.P. Administrative Tribunal and quash the same and consequently declare the petitioner is entitled for awarding selection grade scale of Rs. 200-240 by counting his seniority from the

date of 1st appointment with all consequential benefits, and pass such other order or orders as the Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.CH.JAGANNADHA RAO

Counsel for Respondent Nos. 1, 3& 4: GP FOR SERVICES-I

For Respondent No.2: Smt.Jyothi Eswar Gogineni, Standing Counsel,

Zilla Parishad.

The Court made the following:

ORDER:- (Per Hon'ble Sri Justice G.Bikshapathy)

This writ petition is filed challenging the order passed by the A.P. Administrative Tribunal in O.A.No.9294/98, dated 15.3.2004.

2. The petitioners sought for a direction for grant of Selection Grade scale of Rs.200-240 by counting their seniority from the date of first appointment, with all consequential benefits. The Tribunal dismissed the application, on the ground of laches as these scales were introduced with effect from 01.4.1967, and they approached the Tribunal at a highly belated stage, that too, after their retirement. The said order is assailed before this Court.

3. The learned counsel for the petitioner submits that when the juniors were granted Selection Grade scale and they started teaching in selection grade schools, the Tribunal ought not to have dismissed the application on the ground of laches.

4. We are afraid we cannot accept the contention of the learned counsel for the petitioner that the petitioner is entitled for Selection Grade Scales with effect from 1967. There is no reason why the petitioner had kept quiet for more than three decades. Thus, we do not find any flaw in the order passed by the Tribunal.

5. The Writ petition is accordingly dismissed. No costs.

July 14, 2004.

Sd/- (M.A.NAYEEM PASHA)

ASSISTANT REGISTRAR.

// True Copy//

Section Officer.

To

1 The District Educational Officer, Mahabubnagar District.

2 The Chief Executive Officer, Zilla Parishad, Mahaboobnagar

District.

3 The Director of School Education, A.P. Hyderabad.

4 The Secretary to Govt. Education Department, Andhra Pradesh

A.P.Secretariat, Hyderabad.

5. The Govt.Pleader for Services I, High Court Buildings, Hyd(OUT)

6. 2 C.D copies.

Rar/Mrr